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To: [John McCoy \(jmccoy@mlllaw.com\)](#)
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[Sims, Duane](#); [Webster, Susan](#); [PCARPER@VFENGR.COM](#); "Jim Klick".

Subject: RE: West Fertilizer Site Release
Date: Saturday, July 27, 2013 2:58:36 PM
Attachments: [image003.png](#)

John,

On behalf of my client, we object to releasing the site to salvage because there has not been an opportunity to inspect the railcar unloading pit and system.



9496873



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From: Jim Klick [mailto:JKLICK@hhklawfirm.com]

Sent: Friday, July 26, 2013 3:34 PM

To: 'Holly Taylor'; fusselman@thefusselmanlawfirm.com; MAZIZ@ABRAHAMWATKINS.COM; EANDRUS@ABRAHAMWATKINS.COM; JDEAN@ABRAHAMWATKINS.COM; SANDY@THEAMLAWYERS.COM; BENNIE.MCILVEEN@FAIRMONTSSPECIALTY.COM; TDEES1@GMAIL.COM; CMARTINAPEX@YAHOO.COM; JTATOM@APT-RESEARCH.COM; Jim Green; MPARFITT@ASHCRAFTLAW.COM; Michelle Parfitt; DOUGLAS.KUNZE@ATF.GOV; JOHN.SCOTT@TEXASATTORNEYGENERAL.GOV; OBAKER@BAKERRISK.COM; RBENNETT@BAKERRISK.COM; GSHELTON@BAKERRISK.COM; RMCGEE@THEBASSETTFIRM.COM; SMUNCEY@BERGERKAHN.COM; SSCARBROUGH@BMH-LAW.COM; JBOTELER@BMG-LAW.COM; JGATHERTON@AOL.COM; JBARR@BBARR.COM; MKUUSELA@BUTLERPAPPAS.COM; BOB.MIKELL@CARRIER.UTC.COM; JOHN.CAYIAS@MCTX.COM; ED@MCTX.COM; DRTHOMAS@CFINDUSTRIES.COM; Roland Gonzales; Marc Young; EWOTRING@CONNELLYBAKER.COM; Heather Charette; Charles Keith; Matt Wilber; BRIAN_MALARD@US.CRAWCO.COM; DADEFEN123@AOL.COM; MARK.FRAZIER@USDOJ.GOV; LE.MADELEINE@DOL.GOV; LEWIS.JEFFREY@DOL.GOV; RDESIMONE@DESIMONELAWOFFICE.COM; AHAHN@DS-LAWYERS.COM; EGRAY@ECKERTSEAMANS.COM; RHAFNER@ECKERTSEAMANS.COM; DAN_DELLASALA@EFIGLOBAL.COM; LRIDDLE@LSB-OKC.COM; PJDAUM@ESI-IL.COM; JENGVAL@E-H-LAW.COM; JENGVAL@ELHOUSTON.COM; KBUETTNER@ELHOUSTON.COM; HAYES.MARK@EPA.GOV; RGERBER@EVANS-DIXON.COM; KATHY.SANFELIPE@FAIRMONTSSPECIALTY.COM; HAL.LYSON@FCAFIRE.COM; JOECONWILL@YAHOO.COM; ROBERT.COLLINS@GEBKLAWYERS.COM; KARL.KOEN@GEBKLAWYERS.COM; SCOTT.KIDD@GEBLAWYERS.COM; ROBERT.COLLINS@GEBKLAWYERS.COM; SGDAVIS@GEXCON.COM; DEREK.ENGEL@GEXCON.COM; FGAVELLI@GEXCON.COM; PCHINZE@GEXCON.COM; RICKY@GRONESENVIRONMENTAL.COM; PGAREIS@GHLAW-LLP.COM; KMOSLEY@GHLAW-LLP.COM; WPICKETT@GHLAW-LLP.COM; ATHAKRAR@GHLAW-LLP.COM; MGROTEFELD@GHLAW-LLP.COM; JOHN@THETRIALLAWYERS.COM; STEVE@THETRIALLAWYERS.COM; ZOLLIE@THETRIALLAWYERS.COM; COPLEYC@HELENACHEMICAL.COM; COXD@CLASSICNET.NET; BRISTERE@HELENACHEMICAL.COM; Trey Woods; Frank Herrera; CAT@HMGLAWFIRM.COM; CMGLAWFIRM@GMAIL.COM; CPINEDO@HMGLAWFIRM.COM; DONPJONES@GMAIL.COM; JOE.SEMENS@IBSA.COM; CEFALANY@SHEPHERDENGINEERS.COM; RMEIER@KENNEDY-FIRE.COM; KSMITH@KENNEDY-FIRE.COM; LSMITH@KELLYSMITHPC.COM; PKENNEDY@KENNEDY-FIRE.COM; SCOTT@KRWLAWYERS.COM; RSTROUP@KILGOREENGINEERING.COM; RCOX@KODIAKCONSULTING.COM; DAVEWILLIAMS.LEE@YAHOO.COM; CURTIS@WHITNEYFANNING.COM; TJH@THOMASJHENRYLAW.COM; JBAIRD@LOKICONCONSULT.COM; JCARVER@LSB-OKC.COM; DRILEY@LWGCONSULTING.COM; RTORRES@LWGCONSULTING.COM; NRYMER@RMJELAW.COM; MMCDONALD@MSSM-LAW.COM; JSHOWERS@MSSM-LAW.COM; RSCHUSTER@MWL-LAW.COM; GWICKERT@MWL-LAW.COM; SALMETER@MCCATHERNLAW.COM; PGRINKE@MCCATHERNLAW.COM; DMAYS@MCCATHERNLAW.COM; E.BENSTOCK@MCDOWELLOWENS.COM; R.BONYATA@MCDOWELLOWENS.COM;

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Cc: John McCoy (jmccoy@mlllaw.com)

Subject: RE: West Fertilizer Site Release

Holly and John: Attached hereto is our formal objection to release of the site for salvage. Thank you. Jim Klick

From: Holly Taylor [<mailto:HollyT@craneengineering.com>]

Sent: Monday, July 22, 2013 9:27 AM

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Subject: FW: West Fertilizer Site Release

All parties interested:

Please see the note below from Mr. John McCoy. Please be advised that the deadline to respond is the end of business hours on **July 29, 2013**. We will interpret non-response as agreement.

Best regards,
Charles G. Keith, P.E.
Crane Engineering



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From John McCoy, Counsel for Adair Grain, Inc. dba West Fertilizer.

All interested parties (IPs) were given notice of the opportunity to inspect the accident site during the week of July 8th. During that week sampling of the AN was obtained for later testing. The laboratory holding the sampling is run by Dr. Armstrong. The Steering Committee jointly agreed to retain Dr. Armstrong and his lab as a shared cost of all IPs. Dr. Armstrong's was asked to attend the site during the AN sampling at the joint request of the Steering Committee to verify that the sampling was done correctly and that sufficient quantities were taken to perform all anticipated testing. It was also agreed that he would retain the AN samples at his lab until such time as a majority of the steering committee agree on what testing will be done and the protocol needed for such testing.

In addition, all IPs were given full access to the accident site to take measurements, photograph artifacts and have tagged any artifacts they deemed of interest for further use in any of the related claims and lawsuits arising from this incident. By mid-day Friday the investigators for the various IPs had completed their work.

I am interested in seeing if I can release this site to salvage now that the onsite investigation has concluded. At the steering committee meeting we agreed to 72 hours notice for any activity on the site. I am going to give a longer notice on this issue. If anyone objects to the site being released for salvage you must inform Crane and John McCoy by the COB on July 29. Your objection must articulate why the site needs to be preserved at this juncture.

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